

REMARKS/ARGUMENTS

In response to the Office Action mailed June 20, 2006, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claims 1 and 4 have been amended, no claims have been cancelled without prejudice and no claims have been added so that claims 1-6 remain pending.

Claim 4 was rejected under 35 U.S.C. §112, second paragraph. Applicants have amended claim 4 in accordance with the Examiner's comments; accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,626,938. Applicants are concurrently filing a Terminal Disclaimer with this response. Accordingly, the rejection is now overcome.

Claims 1, 2 and 4-6 were rejected as being anticipated by U.S. Patent No. 5,522,881 to Lentz and Claims 10-4 were rejected as being anticipated by U.S. Patent No. 5,476,506 to Lunn. These rejections are respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Neither Lentz or Lunn discloses a stent graft having a stent comprising a plurality of struts forming a plurality of substantially diamond shaped cells and a plurality of sinusoidal rings positioned between the cells. Since Lentz and Lunn each individually fails to disclose these limitations, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Serial No. 10/622,725

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

By: _____
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Dated: August 29, 2006

Your Petitioner, Cordis Corporation hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 10/622,725 which would extend beyond the expiration date of United States Patent No. 6,626,938 and hereby agrees that any patent so granted on application Serial No. 10/636,435 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent No. 6,626,938, this agreement to run with any patent granted on application Serial No. 10/622,725 and to be binding upon the grantee, its successors or assigns.

The Terminal Disclaimer fee of \$130.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/CRD0836DIV1/CJE. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 29th day of August, 2006.

Respectfully submitted,

CORDIS CORPORATION

/Carl J. Evens/

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